

United States District Court
EASTERN DISTRICT OF TEXAS
SHERMAN DIVISION

JASON LEE VAN DYKE

v.

THOMAS RETZLAFF, a/k/a DEAN
ANDERSON, d/b/a VIA VIEW FILES LLC,
and VIA VIEW FILES

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Civil Action No. 4:18-CV-247
Judge Mazzant

ORDER

Pending before the Court is Plaintiff Jason Lee Van Dyke's Motion to Compel Defendant to Make Disclosures Required by Rule 26 (Dkt. #61). Having considered the relevant pleadings and motion, the Court finds that the motion should be denied.

On June 11, 2018, the Court entered its Scheduling Order to control the disposition of the above-referenced case (Dkt. #54). To address discovery disputes, the Scheduling Order states that

[i]n the event the parties encounter a discovery dispute, no motions to compel may be filed until after the parties fulfill the 'meet and confer' requirement imposed by this Court's Local Rule CV-7(h). If the parties are unable to resolve the dispute without court intervention, the parties must then call the Court's chambers to schedule a telephone conference regarding the subject matter of the dispute prior to filing any motion to compel.

(Dkt. #54 at p. 4). Here, Plaintiff did not call chambers to schedule a telephone conference and thus did not follow the Court's procedure under the Scheduling Order. As a result, Plaintiff's motion to compel should be denied.

It is therefore **ORDERED** that Plaintiff's Motion to Compel Defendant to Make Disclosures Required by Rule 26 (Dkt. #61) is hereby **DENIED**.

SIGNED this 24th day of July, 2018.



AMOS L. MAZZANT
UNITED STATES DISTRICT JUDGE